



#13/Response
4.3.03
PATENT *CMoore*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ronny van't Oever, et al.

Serial No.: 09/874,493

Filed: June 5, 2001

For: OPTICAL METHOD AND APPARATUS
FOR RED BLOOD CELL DIFFERENTIATION ON
A CELL-BY-CELL BASIS, AND
SIMULTANEOUS ANALYSIS OF WHITE
BLOOD CELL DIFFERENTIATION

Attorney Docket No.: 6811.US.O1

Group Art Unit: 2876

CERTIFICATE OF MAILING (37 CFR
1.8(a)):

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Commissioner for Patents
Washington, D.C. 20231,

Kimberly A. Iorio 3-24-03
Kimberly A. Iorio Date

RESPONSE

Commissioner for Patents
Washington DC 20231

Dear Sir:

This Response is being submitted in connection with the second Office Action
mailed December 31, 2002 in the above-captioned application. Reconsideration of the
application in view of the following remarks is respectfully requested.

REMARKS

Claims 1-21 are pending. Claims 1- 12 and 21 are allowed. Claims 13 -20 stand
rejected under 35 U.S.C. § 103(a).

Rejections under 35 U.S.C. § 103(a)

1) Claims 13 – 15 and 19 – 20 stand rejected under 35 U.S.C. § 103 as being
obvious over Tycko, US Patent 5,194,909 (hereinafter “ ‘909 patent”) in view of
Altendorf, US Patent 6,067,157 (hereinafter “ ‘157 patent”). Applicants respectfully
traverse the rejection.

To establish a prima facie obviousness under § 103(a), the Examiner must
identify, from a source other than Applicant’s own specification both (i) a suggestion to

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